

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Patrick M. MCCARTHY, et al.)

Serial No. 09/422,328)

Group Art Unit: 3736

Filed: October 21, 1999)

Examiner: Unknown

For: METHODS AND DEVICES FOR)
IMPROVING CARDIAC)
FUNCTION IN HEARTS)



Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

A copy of each listed document was previously submitted in prior application: U.S. Serial No. 09/124,286, filed July 29, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Should the Examiner be unable to locate any of these documents, the Examiner is invited to call the undersigned representative of Applicants at (202) 408-4445.

LAW OFFICES

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Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.



Date: January 20, 2000

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: *Susanne C. Tinker*
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